

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

In The Matter Of:

CENTURY MORTGAGE, INC., RONALD
BURGER, DESIGNATED BROKER AND
OWNER, DALE SAGE GIBBONS,
OWNER, DWAIN R. KLEIN, OWNER,
GENE ARTHUR TAYLOR, MICHAEL
DEASY, CURTIS ORVICK, JON WEBB,
SCOTT TOLLEFSON, DAVID BURGER,
AND MARK HODGE,

Respondents

NO. C-02-285-03-CO01

OAH Case No. 2002-DFI-0006

CONSENT ORDER
BETWEEN THE DEPARTMENT
AND **DWAIN R. KLEIN**

COMES NOW the Director, Division of Consumer Services, Department of Financial Institutions, (Director), Mark Thomson and Dwaine R. Klein (hereinafter referred to as "Respondent Klein"), by and through his attorney, Corey F. Brock, and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

I. AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Klein have agreed upon a basis for resolution of the matters alleged in Statement of Charges and Notice of Intention to Enter an Order To Revoke License, Prohibit from Participation in Industry and Assess Monetary Penalties ("Statement of Charges") No. C-02-285-02-SC04 issued August 26, 2002 (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent Klein,

hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order.

Based upon the foregoing:

A. It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

B. It is AGREED that the parties shall be bound by the terms and conditions of this Consent Order as set forth herein.

C. It is AGREED that Respondent Klein has been informed of his right to a hearing before an administrative law judge, and that he has waived same right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent Klein agrees to dismiss his appeal and to inform the Office of Administrative Hearings in writing of his dismissal.

D. It is AGREED that Respondent Klein understands that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of such legal action, Respondent Klein may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

E. It is AGREED that Respondent Klein be prohibited from participating in the mortgage broker industry for twenty (20) years in any capacity, including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, employee, or loan originator.

F. It is AGREED that Respondent Klein refrain from applying for a mortgage broker license or branch license under any name from the Department for a period of 20 years.

G. It is AGREED that Respondent Klein provide the Department truthful and complete sworn statements outlining his activities with respect to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. The “sworn statements” may take the form of affidavits, declarations, or deposition testimony, at the Department’s discretion.

H. It is AGREED that Respondent Klein cooperate fully, truthfully and completely with the Department and provide any and all information known to him relating in any manner to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. It is further AGREED that Respondent Klein provide any and all documents, writings or materials, or objects or things of any kind in his possession or under his care, custody, or control relating directly or indirectly to all areas of inquiry and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondent Klein testify fully, truthfully and completely at any proceeding related to the Department’s investigation and enforcement actions related to this matter, including, but not limited to Century Mortgage, Inc. and the named Respondents.

I. It is AGREED that the undersigned has represented and warranted that he has the full power and right to execute this Consent Order on behalf of the party represented.

J. It is AGREED that the undersigned Respondent Klein has voluntarily entered into this Consent Order, which is effective when signed by the Director’s designee.

K. It is AGREED that Respondent Klein has read this Consent Order in its entirety and fully understands and agrees to all of the same.

/S/
DWAINE R. KLEIN, Owner

5/14/03
DATE

/S/
DWAINE R. KLEIN, Individually

5/14/03
DATE

/S/
COREY F. BROCK, Attorney at Law
Attorney for Respondent Klein

5/14/03
DATE

IT IS SO ORDERED.

Dated and Entered this 20th day of May, 2003.

/S/
Mark Thomson, Director
Division of Consumer Services
Department of Financial Institutions